In accordance with Section 21082.1 of the California Environmental Quality Act, DWR has independently reviewed and analyzed the initial study and proposed mitigated negative declaration for the proposed project and finds that the initial study and proposed mitigated negative declaration reflect the independent judgment of DWR. The lead agency further finds that the project mitigation measures will be implemented as stated in the mitigated negative declaration.

I hereby approve this project:

_____

George Qualley
Chief of the Division of Flood Management
California Department of Water Resources

_____

Date

TABLE OF CONTENTS

Appendices

TABLE OF CONTENTS

Section **Page**

Exhibits

Tables

ABBREVIATIONS AND ACRONYMS

ADT	average daily traffic
A-E	Agricultural Exclusive
AG	Agriculture
A-P	Agricultural Preserve
AQAP	Air Quality Attainment Plan
ARB	California Air Resources Board
BMP	best management practices
CAA	Clean Air Act
CAAA	Clean Air Act amendments
Cal OSHA	California Occupational Health and Safety Administration
Cal/EPA	California Environmental Protection Agency
Caltrans	California Department of Transportation
CCR	California Code of Regulations
CCRMP	Cache Creek Resources Management Plan
CDMG	California Division of Mines and Geology
Central Valley RWQCB	Central Valley Regional Water Quality Control Board
CEQA	California Environmental Quality Act
cfs	cubic feet per second
CHP	California Highway Patrol
CNDDB	California Natural Diversity Database
CNEL/L_{dn}	Community Noise Equivalent and Day-Night noise levels
CNPS	California Native Plant Society
CO	carbon monoxide
County	Yolo County
CR	County Road
CRHR	California Register of Historic Resources
CWA	Clean Water Act
cy	cubic yards
dBA	A-weighted decibels
DFG	California Department of Fish and Game
DOC	California Department of Conservation
DTSC	California Department of Toxic Substances Control
DWR	California Department of Water Resources
EIR	Environmental Impact Report
EPA	U.S. Environmental Protection Agency
FHWA	Federal Highway Administration
FMMP	Farmland Mapping and Monitoring Program
FPD	Fire Protection District
FPPA	Federal Farmland Protection Policy Act
HCP	Habitat Conservation Plan
HTRW	hazardous, toxic, or radioactive waste
I-5	Interstate 5
in/sec	inches per second
IS/MND	Initial Study/Proposed Mitigated Negative Declaration
LESA	Land Evaluation-Site Assessment System
LM	Levee Miles

LM 3.9L	Levee Miles 3.9 Left Bank
LM 4.2L	Levee Miles 4.2 Left Bank
MLD	Most Likely Descendent
MRZs	Mineral Resource Zones
NAHC	Native American Heritage Commission
NCCP	Natural Communities Conservation Plan
NOI	Notice of Intent
NO_X	nitrogens of oxide
NRCS	U.S. Natural Resources Conservation Service
NWIC	Northwest Information Center
OAP	Ozone Attainment Plan
OCMP	Off-Channel Mining Plan
OES	Office of Emergency Services
PCB	Polychlorinated Biphenyl
PM_{10}	respirable particulate matter with an aerodynamic diameter of 10 micrometers or less
$PM_{2.5}$	respirable particulate matter with an aerodynamic diameter of 2.5 micrometers or less
ppm	parts per million
PPV	peak particle velocity
proposed project	Cache Creek North Levee Setback Project – Critical Erosion Site LM 3.9 Left Bank and LM 4.2 Left Bank
RMS	root mean square
ROG	reactive organic gases
SACOG	Sacramento Area Council of Governments
SCS	Soil Conservation Service
SEIS IV	Supplemental Environmental Impact Statement IV for Sacramento River Bank Protection Project
SFNA	Sacramento Federal Ozone Nonattainment Area
SH	State Highway
SIP	State implementation plan
site assessment	Phase I Environmental Site Assessment
SMARA	California Surface Mining and Reclamation Act
SOX	oxides of sulfur
SR	State Route
SRA	shaded riverine aquatic
SWPPP	stormwater pollution prevention plan
TMDL	Total Maximum Daily Load
tpy	tons per year
USACE	U.S. Army Corps of Engineers
vibration decibels	VdB referenced to 1 microinch per second and based on the root mean square
VMT	vehicle miles traveled
YCESA	Yolo Communications Emergency Services Agency
YCSD	Yolo County Sheriffs Department
YSAQMD	Yolo-Solano Air Quality Management District
µin/sec	1 microinch per second

1 INTRODUCTION

The California Department of Water Resources (DWR) has prepared this Initial Study/Proposed Mitigated Negative Declaration (IS/MND) in compliance with the California Environmental Quality Act (CEQA) to address the environmental consequences of the proposed Cache Creek North Levee Setback Project – Critical Erosion Site Levee Miles (LM) 3.9 Left Bank (LM 3.9L) and LM 4.2 Left Bank (LM 4.2L) (proposed project) in Yolo County, California. DWR is the lead agency under CEQA.

DWR is repairing these two critical erosion sites in response to the Governor's direction under Executive Order S-18-06 of October 3, 2006. On February 24, 2006, the Governor declared a state of emergency for California's levee system followed by Executive Order S-01-06 that directed DWR to identify and repair critically eroded levee sites on California's levee system to prevent catastrophic flooding and loss of life. The U.S. Army Corps of Engineers (USACE) had identified 24 sites that were in critical condition and in need of immediate repair in its 2005 levee survey. Nine additional levee sites were later determined to be critical. Accordingly, a total of 33 locations were targeted for repair and are referred to as the "2005 Critical Erosion Repairs." The State legislature immediately followed by providing DWR with specific authority and funding to carry out levee repairs.

During the January and April 2006 flood events, levees were damaged throughout the Sacramento and San Joaquin River Flood Control Systems. In 2006, USACE identified an additional 24 sites referred to as "2006 Critical Erosion Repairs" on the Sacramento River and its tributaries. The proposed project addressed by this document involves construction of two setback levees along the north bank of Cache Creek at critical erosion sites at LM 3.9L and 4.2L that were identified among the additional 24 "2006 Critical Erosion Repairs" sites. In response to these additional 2006 sites, the Governor issued Executive Order S-18-06 on October 3, 2006, to ensure that all necessary actions are taken to alleviate the emergency conditions posed by substantially degraded conditions throughout California's levees and other flood control systems.

The critical nature of erosion at LM 3.9L and LM 4.2L, and resulting encroachment by Cache Creek into the bank at these sites, requires timely remediation to prevent levee failure. The levee is maintained by DWR under provisions of the State Water Code Section 8361. The levee setback at LM 3.9L would be approximately 1,259 feet in length, and would be placed approximately 215 feet from the existing levee. The levee setback at LM 4.2L would be approximately 670 feet in length, and would be placed approximately 90 feet from the existing levee.

In response to both emergency declarations and in coordination with USACE, DWR developed a plan to accomplish the work on a priority basis. Coordination amongst resource agencies, USACE, and DWR is being done through a mutually agreed upon Action Plan for Alternative Endangered Species Consultation Procedures (Action Plan) for the State-federal expedited winter repairs. A technical team composed of representatives from USACE, DWR, U.S. Fish and Wildlife Service, National Marine Fisheries Service, California Department of Fish and Game (DFG), and the State Water Resources Control Board (SWRCB) reviewed and approved designs and where needed, mitigation plans for the 24 sites identified under the "2006 Critical Erosion Repairs." The Action Plan enables timely completion of levee repairs and allows DWR to acquire all required federal environmental permits associated with the Clean Water Act, Endangered Species Act, National Environmental Policy Act, and other applicable federal laws. DWR consulted with the appropriate State agencies to ensure this project meets all State environmental requirements under CEQA. Agencies included DFG, the Department of Parks and Recreation, State Lands Commission, the Central Valley Flood Protection Board (formerly The Reclamation Board), SWRCB, and the Central Valley Regional Water Quality Control Board.

This document includes:

- an IS to satisfy CEQA requirements;
- an MND to satisfy CEQA requirements; and
- a notice of availability and intent to adopt an IS/MND for the proposed project.

After completion of the required public review of this document, DWR intends to adopt the MND and the Mitigation Monitoring Reporting Program, and approve the proposed project.

1.1 PURPOSE OF THE INITIAL STUDY

This document is an IS/MND prepared in accordance with CEQA, Public Resources Code §21000 et seq., and the State CEQA Guidelines, Title 14 California Code of Regulations (CCR) Section 15000 et seq. The purpose of this IS/MND is to: (1) determine whether project implementation would result in potentially significant or significant effects to the environment, and (2) incorporate mitigation measures into the project design, as necessary, to eliminate the project's potentially significant or significant project effects or reduce them to a less-than-significant level. An IS/MND presents the environmental analysis and substantial evidence supporting its conclusions regarding the significance of environmental impacts. Substantial evidence may include expert opinion based on facts, technical studies, or reasonable assumptions based on facts. An IS/MND is not intended nor required to include the level of detail used in an EIR.

CEQA requires that all state and local government agencies consider the environmental consequences of projects they propose to carry out, or over which they have discretionary authority, before implementing or approving those projects. As specified in State CEQA Guidelines §15367, the public agency that has the principal responsibility for carrying out or approving a project is the lead agency for CEQA compliance. DWR has principal responsibility for carrying out the proposed project and is therefore the CEQA lead agency for this IS/MND.

As specified in State CEQA Guidelines Section 15064(a), if there is substantial evidence (such as the results of an IS) that a project, either individually or cumulatively, may have a significant effect on the environment, the lead agency must prepare an EIR. The lead agency may instead prepare an IS if it determines there is no substantial evidence that the project may cause a significant impact on the environment. The lead agency may prepare an MND if, in the course of the IS analysis, it is recognized that the project may have a significant impact on the environment but that implementing specific mitigation measures would reduce any such impacts to a less-than-significant level (State CEQA Guidelines Section 15064[f]).

DWR has prepared this IS to evaluate the potential environmental effects of the proposed project and has incorporated mitigation measures to reduce or eliminate any potentially significant project-related impacts. Therefore, an MND has been prepared for this project.

1.2 SUMMARY OF FINDINGS

Chapter 3 of this document contains the analysis and discussion of potential environmental impacts of the proposed project. Based on the issues evaluated in that chapter, it was determined that the proposed project would have no impact related to the following issue areas:

- population and housing,
- public services, and
- recreation.

The proposed project would result in less-than-significant impacts on the following issue areas:

- air quality,
- aesthetics,
- mineral resources,
- land use and agricultural resources,
- public utilities and service systems, and
- traffic and circulation.

The proposed project would result in less-than-significant impacts *following* mitigation on the following issue areas:

- biological resources,
- cultural resources,
- geology and soils,
- hazards and hazardous materials,
- hydrology and water quality, and
- noise.

1.3 DOCUMENT ORGANIZATION

This document is divided into the following sections:

Notice of Availability and Intent to Adopt an IS/MND. The Notice of Availability and Intent to Adopt an IS/MND provides notice to responsible and trustee agencies, interested parties, and organizations of the availability of this IS, as well as DWR's intent to adopt an IS/MND for the proposed project.

MND. The MND, which precedes the IS analysis, summarizes the environmental conclusions and identifies mitigation measures that would be implemented in conjunction with the proposed project. The MND would be signed by a representative of DWR.

Chapter 1 – Introduction provides an introduction to the project, purpose of the IS/MND, summary of findings, and organization of this IS/MND.

Chapter 2 – Project Description. This chapter describes the purpose of and need for the proposed project, general background, and a description of the proposed project.

Chapter 3 – Environmental Setting, Impacts, and Mitigation Measures. This chapter presents an analysis of environmental issues identified in the CEQA Environmental Checklist, and determines if project implementation would result in no impact, a less-than-significant impact, a less-than-significant impact with mitigation incorporated, or a potentially significant impact on the environment in each of the issue areas. If any impacts were determined to be potentially significant, an EIR would be required. For this project, however, mitigation measures have been incorporated where needed, to reduce all potentially significant impacts to a less-than-significant level.

Chapter 4 – References. This chapter lists the references used in preparation of this IS/MND.

Chapter 5 – List of Preparers. This chapter identifies report preparers.

2 PROJECT DESCRIPTION

2.1 PROJECT PURPOSE AND NEED

CEQA Guidelines require a clearly written statement of objectives, including the underlying purpose of the Project (Guidelines Sec. 15124[b]). This section summarizes the need for, and purpose and objectives of, the proposed project. This section also includes a description of the proposed project location, features, construction, and operations and maintenance.

2.1.1 PROJECT NEED

DWR is proposing the Cache Creek North Levee Setback Project – Critical Erosion Site Levee Mile 3.9 Left Bank (LM 3.9L) and Levee Mile 3.9 Left Bank (LM 3.9L) (proposed project) to construct two setback levees along the north bank of Cache Creek in Yolo County. This project would be constructed in accordance with the regulations and standards prescribed by the United States Army Corps of Engineers (USACE) for providing levee protection. This critical erosion site was identified in the USACE "2006 Critical Erosion Repair" report. Encroachment by Cache Creek into the minimum berm specification of 30 feet has been observed at these sites, and encroachment at these two sites has been identified as requiring immediate remediation to prevent levee failure.

Cache Creek flood control issues have been longstanding. On December 16, 2003, an assessment of the equilibrium of Cache Creek was performed (DWR 2005a). This assessment concluded that the creek is extremely incised near the town of Yolo and there is a substantial risk of flooding at several erosion sites, including the sites that are the subject of this environmental document. The erosion sites are deep, steep-walled, and in close proximity to the levee section; therefore, the effectiveness of traditional water side fill and bank armoring methods is questionable, especially over the long-term and because these armoring methods could encroach into the design flow capacity. Upstream of the project reach, gravel mining has caused the lower reach of Cache Creek to become sediment starved. Because of sediment depletion, the creek is no longer in dynamic equilibrium. Since 1958, the creek has downcut as much as 35 feet. When a creek is in dynamic equilibrium, the water and sediment flowing through it are generally in balance and erosion and deposition are not excessive.

If current erosion patterns continue, levee integrity and flood protection along Cache Creek would be severely compromised. Construction of the proposed setback levees would serve to protect the integrity of the levee system and provide flood protection for the immediate area on the north side of the creek. Because of the urgency of the proposed project and the infeasibility of traditional fill and bank armoring methods, it was determined that construction of a setback levee would be the most efficient and least environmentally damaging method of protecting the integrity of the levee system.

2.1.2 PROJECT PURPOSE AND OBJECTIVES

The basic project purpose is to improve flood protection on Cache Creek near the town of Yolo. Key objectives of the project are as follows:

- construct a setback levee in accordance with regulations and standards prescribed by USACE to provide levee protection at critical erosion sites LM 3.9L and LM 4.2L along Cache Creek,
- construct the setback levees before the start of the 2009–10 flood season, and
- minimize environmental impacts during project construction and operation.

2.2 PROPOSED LOCATION

The proposed project is located along Cache Creek in Yolo County, approximately 26 miles northwest of Sacramento (Exhibit 2-1). The project site is located southeast of the town of Yolo and north of the City of Woodland. The project site is located along the north bank of Cache Creek at Levee Miles 3.9 and 4.2 (Exhibit 2-2).

The project site is rural in nature and is surrounded by agricultural, rural residences, and orchard lands. Interstate 5 (I-5) is southwest of the proposed setback levee sites. There are two residences immediately to the north of the project site. Some native and predominantly nonnative vegetation comprises the riparian community along Cache Creek levees and its banks at the project site.

2.3 PROJECT FEATURES AND CONSTRUCTION

2.3.1 EROSION SITES AT LM 3.9L AND 4.2L

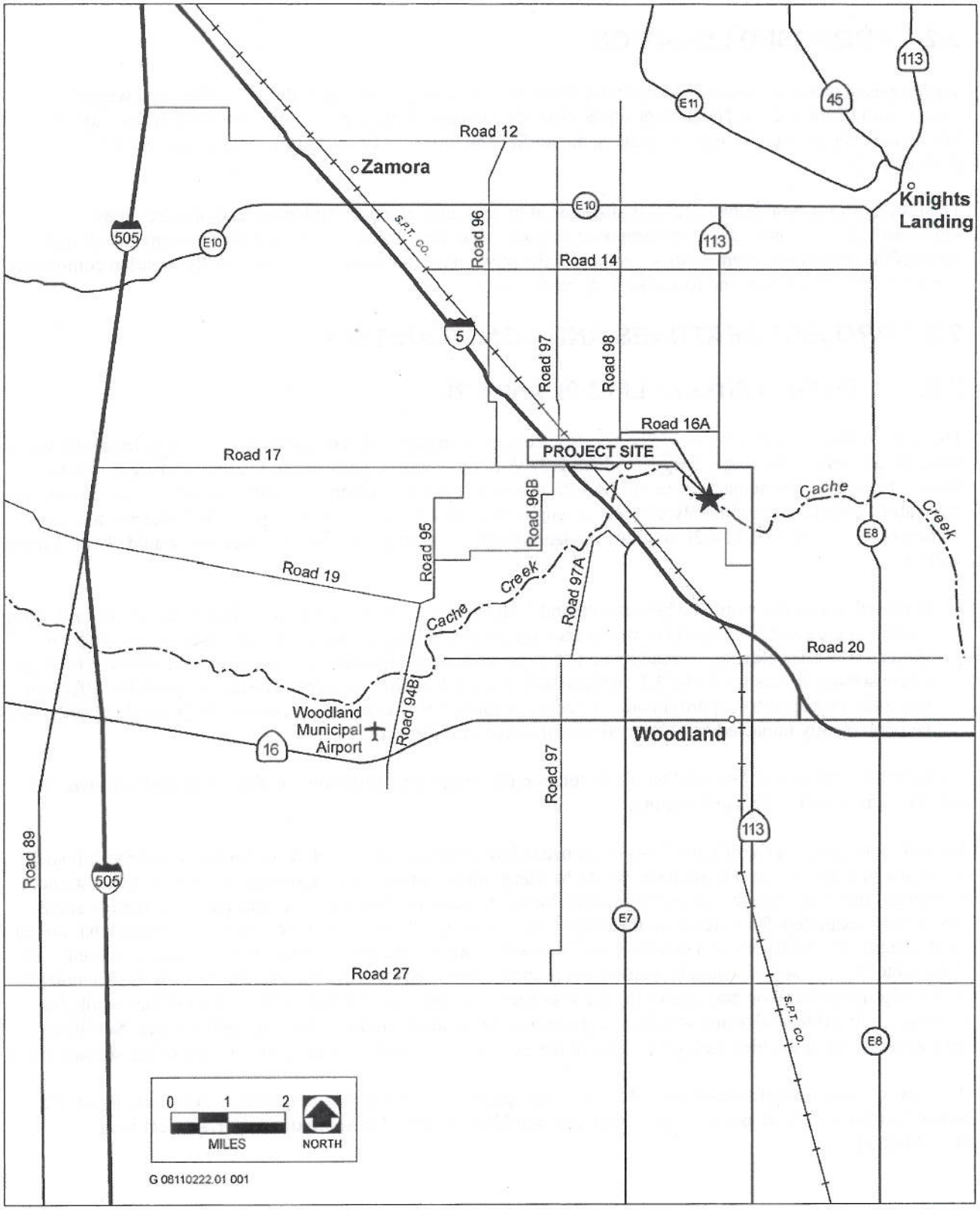
The setback levee at LM 3.9L would be constructed approximately 215 feet north of the existing levee and would be approximately 1,259 feet in length (Exhibit 2-3). A ramp would be constructed to allow vehicle access to County Road 17a. The setback levee at LM 4.2L would be constructed approximately 90 feet north of the existing levee and would be approximately 670 feet in length. A retaining wall would be constructed adjacent to a small portion of levee setback LM 4.2L to allow the landowner access to an existing structure that would abut the levee setback.

- Both setback levees would be between 40 and 50 feet wide at the base, with a 12-foot-wide gravel road along the top of the levee. The height of the setback levees would be approximately 6 to 10 feet above original ground. The crest elevation would be 82 feet to be consistent with the height of the existing levee. The slope of the setback levees would be 2:1 on the landside and 3:1 on the waterside. The area of potential effect for the entire project site is approximately 11 acres. A total of 8.37 acres of the project site is farmland that would be permanently impacted by construction of the proposed project.

An additional 1.2 acre of farmland would be temporarily impacted during construction of the setback levee for construction vehicle access and staging.

Up to 45,000 cubic yards (cy) of fill would be needed for construction of both levee setbacks, and the fill would be hauled in from off-site. Fill material would be transported from an existing storage site where it was stored after being obtained from Yolo County in 2007 during its water treatment plant expansion. This storage site is located approximately 5.5 miles from the project site. Because CEQA compliance for the storage site has already been completed, environmental effects at the borrow storage site are not analyzed in this CEQA document. Any material to be disposed of would be hauled to a properly permitted landfill. The existing levee would be notched in three locations to allow drainage of the levee setback area back into Cache Creek. These notches would be approximately 10 feet wide and would be degraded to the same elevation as the levee setback area. Sensitive resources would be avoided during notching of the existing levee and siting and construction of the setback levee.

To allow construction of setback levee LM 3.9L, an approximate 1,300-foot-long stretch of County Road 17a would be relocated north of the existing road and would be shortened to approximately 1,100 feet long (Exhibit 2-3).



Source: EDAW 2008

Regional Location **Exhibit 2-1**